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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,267	08/27/2003	Kenneth E. Flick	58180	6439

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EXAMINER

SWARTHOUT, BRENT

ART UNIT PAPER NUMBER

2636

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,267

Applicant(s)

FLICK, KENNETH E.

Examiner

Brent A. Swarthout

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1,4,5,6,9,17,20-22,25-27,31-32,35-37 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern.

Hwang discloses a prealarm warning system comprising prealarm sensor (port b, Fig.1) for sensing low level security alert and prealarm emulator 102 for generating a signal on data communication line to alarm controller 103 to cause alert indicator 105 to generate a prealarm different than a full alarm (col.1, line 65-col.2, line 15), except for specifically stating that data communication line between emulator 102 and alarm controller 103 is a bus, or that components of the system are placed in a housing.

Zwern discloses an alarm system add on system wherein an alarm system is placed in housing 12 (Fig. 2).

It would have been obvious to include a housing as suggested by Zwern for alarm system components in a system as disclosed by Hwang, in order to make it easier to install an add on system.

Furthermore, it would have been obvious to one of ordinary skill in the art to use a bus as a data communication line, since a bus is a well-

known type of communication line in vehicle security communication systems.

Regarding claim 4, Hwang teaches use of sensor b for detecting high security alarm conditions (col.2, lines 5-15).

Regarding claims 5-6, Zwern discloses desirability of indicating confirmation of switching between alarm armed and disarmed modes by LED indications 56,58. Since alarms will only be generated when in armed mode, some type of communication signal over communication lines would have been inherent in order to control operation of the system.

Regarding claim 9, Hwang teaches use of siren 105.

Regarding claim 39, Zwern teaches desirability of using both shock and motion sensors in a vehicle security system (col. 9, lines 50-52).

Regarding claim 41, Zwern teaches indicator carried on housing (Fig. 2).

2. Claims 2,10,12,13,16,18,28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern and Hwang (697).

Hwang (697) discloses desirability of making a pre-warn alert shorter than a high level alert (col.2, lines 29-38).

It would have been obvious to use a short pre-warn alert in conjunction with a system as disclosed by Hwang (407) and Zwern, in order to notify parties that a vehicle was alarmed while still minimizing nuisance alerts of long duration.

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3. Claims 3,8,19,24,29,30 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern and Issa et al.

Issa teaches desirability of using pre-warn alerts of lesser intensity than alarms for high levels of concern (col.3, lines 19-35,65-67).

It would have been obvious to use a lower volume alert for less hazardous conditions as suggested by Issa in conjunction with an alarm system as disclosed by Hwang (407) and Zwern, in order to let a bystander know how serious an alert condition was.

Regarding claim 8, Issa teaches use of a two zone shock sensor, one zone for light touches and a second zone for heavy impacts (col.3, lines 20-25, 65-67).

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claims 7,23 and 38 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-60, 1-30, 1-59, 1-19, 1-64 and 1-67 of U.S. Patent Nos. 6,275,147, 6,011,460, 5,719,551, 6,696,927, 6,249,216 and 6,243,004, respectively, in view of Hwang (407) in view of Zwern.

The various Flick references all disclose using a set of signals for different vehicles or controllers with a common signal enabler.

It would have been obvious to use a signal enabler usable with plural systems as suggested by Flick in conjunction with a system as disclosed by Hwang and Zwern, in

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order to allow usage of a prealarm system in a plurality of different types of vehicles with various components.

5. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang (407) in view of Zwern, Hwang (697) and Issa et al.

Claims are rejected for the same reasons as set forth previously with regard to claims 1-3.

6. Claim 14 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-60, 1-30, 1-59, 1-19, 1-64 and 1-67 of U.S. Paten Nos. 6,275,147, 6,011,460, 5,719,551, 6,696,927, 6,249,216 and 6,243,004, respectively, in view of Hwang (407), Zwern and Hwang (697).

The claim is rejected for the same reasons as set forth previously with regard to claims 2 and 7.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suman, Ogino, Banks, Carlo and Flick (594) disclose vehicle security systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent A. Swarthout whose telephone number is 571-272-2979. The examiner can normally be reached on M-F from 6:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass, can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).



Brent A Swarthout
Examiner
Art Unit 2636

**BRENT A. SWARTHOUT
PRIMARY EXAMINER**